

REMARKS

Claims 1-13 are pending and have been examined. Claims 1-4 have been rejected under 35 U.S.C. §103. Claims 5-13 have been objected to. By this Amendment and Reply, Applicant amends Claims 1-13. No claims are added. Claims 1-13 remain for consideration upon entry of the present Amendment. No new matter has been added. Entry of the above described amendments and favorable reconsideration of this application in light of the following remarks is respectfully requested.

Clarifying amendments to Claims 1-13 are submitted to further recite subject matter which Applicant regards as the invention. Support for the clarifying amendments may be found in the original disclosure and, for example, in the Published Application at least at paragraphs [0026]-[0029] and FIGS. 1 and 2.

In Section 1 of the Office Action, the Examiner objects to Claims 5-13 under 37 C.F.R. §1.75(c) as allegedly being in improper form because multiple dependent claims cannot depend from any other multiple dependent claim. The Examiner states that Claims 5-13 have not been further evaluated on the merits. Claims 5-13 have been amended herein to remove any multiple dependencies. Accordingly, Applicant requests that the Examiner withdraw the objection to Claims 5-13 and further evaluate those claims on the merits.

Claims 1-4 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0148530 by Caparros (hereinafter "Caparros") in view of U.S. Patent No. 2,223,313 to Collins (hereinafter "Collins"). These rejections are respectfully disagreed with, and are traversed below.

Regarding Claim 1 the Examiner alleges that Caparros discloses a compressed gas container comprising: an annular block flange that is provided on an upper opening in its wall and is welded to the container, with a flange cover equipped with at least one discharge valve being bolt connectible or bolt connected to said block flange, characterized in that the block flange (perimeter wall 16) is extended radially outside of a region coverable or covered by the flange cover (valve mounting plate 12) by a solid annular flange (part below 16 labeled F, see Figure 5A below) having its outside welded to the wall (integrally attached with primary container wall 22) of the container (primary container 20) and having on its inside, adjacent to the coverable or covered region in an upper end face a peripheral groove (side wall groove 38)

for receiving a sealing rib (R, Figure 5A) of an emergency cap (secondary containment cap apparatus 10). *Office Action Section 3.*

Fig. 5A is reproduced below from Section 2 of the Office Action, wherein the Examiner added reference indicators "F - flange" and "R - rib" to Caparros' Fig. 5.

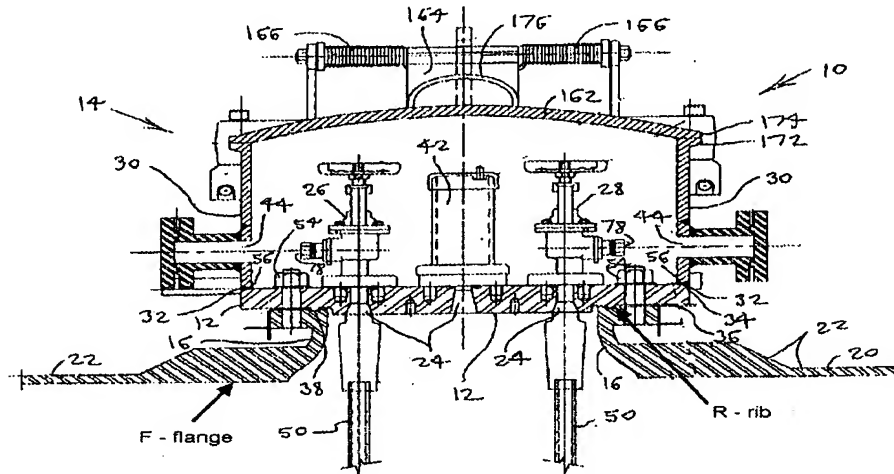


FIGURE 5A

The Examiner states that Caparros does not teach that the emergency cap is screw connectible or screw connected to the annular flange and is used only when required, if a leak has occurred. *Office Action Section 3.*

To cure these defects, the Examiner proposes the combination of Caparros with Collins to reach Claim 1 as previously presented. Specifically, the Examiner alleges that Collins "teaches a bolt 100 to connect the shell cover flange 13 with the shell flange 11 to connect the lid. *Office Action Section 3.*

It is respectfully submitted that, unlike amended Claim 1, Caparros fails to disclose "a cap having a sealing rib and a connector flange extending from said cap and wherein said connector flange is removably connected to said mounting portion such that said sealing rib engages said groove; . . . wherein said cover is positioned in said cap." Instead, Caparros discloses a:

"primary container 20 having a primary container wall 22 with a primary container turret opening 14, a tubular and outwardly protruding tubular turret opening perimeter wall 16 with a perimeter wall rim 18 including a turret mounting flange 16a extending radially from the rim 18." *Caparros at para. [0032].*

The above passage of Caparros and Fig. 5A disclose that the flange F has no “outwardly facing surface with a groove formed therein,” as recited in amended Claim 1. Moreover, Caparros’ perimeter wall rim 18 and turret mounting flange 16a have no peripheral edge secured to the first edge of the container wall, as recited in amended Claim 1. None of Caparros’ flange F, perimeter wall rim 18 and turret mounting flange 16a disclose the “mounting portion” recited in amended Claim 1 at least because unlike Caparros, the mounting portion recited in amended Claim 1 has an outwardly facing groove formed therein and has a peripheral edge thereof secured to the first edge of the container wall.

Caparros also discloses a:

“Cap apparatus 10 includes a valve mounting plate 12 mounted sealing onto the perimeter wall rim 18, . . . and includes a containment cap 14 which, in its essential form, is a substantially cup- or bubble-shaped cap wall 30 defining a concave cap interior 1 . . . and fit sealingly against the valve mounting plate 12 . . . The cap wall 30 preferably is configured as a wide cylindrical tube which includes a cap side wall mounted end 30a sealingly secured to the valve mounting plate 12 with a bead or weld 56”
Caparros at para. [0034].

The above passage of Caparros and Fig. 5A disclose that the cap 10 is welded to the valve mounting plate and is not “removably connected to said mounting portion,” as recited in amended Claim 1. In addition, Caparros’ configuration of the mounting plate 12 being secured to a cap side end of the cap, precludes the mounting plate being positioned in the cap. Thus Caparros fails to disclose the cover being positioned in the cap as recited in amended Claim 1. Moreover, because Caparros discloses no mounting flange having an outwardly facing surface with a groove formed therein, Caparros fails to disclose a cap “connected to said mounting portion such that said sealing rib engages said groove.” Thus Caparros fails to disclose all the limitations of Claim 1.

Collins does not remedy the deficiency in Caparros. For example, unlike amended Claim 1, Collins also fails to disclose “a cap having a sealing rib and a connector flange extending from said cap and wherein said connector flange is removably connected to said mounting portion such that said sealing rib engages said groove; . . . wherein said cover is positioned in said cap.” Moreover, the Examiner’s allegation that Collins “teaches a bolt 100 to connect the shell cover flange 13 with the shell flange 11 to connect the lid,” does not remedy the deficiency in Caparros. Instead, Collins discloses a heat exchanger having flanges and a shell cover having

flanges, wherein the respective heater exchanger and shell cover flanges are secured to one another. *Collins at col 2, lines 20-25.*

Since Collins does not disclose “a cap having a sealing rib and a connector flange extending from said cap and wherein said connector flange is removably connected to said mounting portion such that said sealing rib engages said groove; . . . wherein said cover is positioned in said cap,” the proposed combination of Collins and Caparros therefore cannot possibly disclose “a cap having a sealing rib and a connector flange extending from said cap and wherein said connector flange is removably connected to said mounting portion such that said sealing rib engages said groove; . . . wherein said cover is positioned in said cap,” as recited in amended Claim 1.

So even if Caparros and Collins are somehow combined as suggested by the Examiner, a point that is not admitted that one skilled in the art would do, the proposed combination would merely disclose a “tubular turret opening perimeter wall 16 with a perimeter wall rim 18 including a turret mounting flange 16a extending radially from the rim 18” (Caparros) and “a heat exchanger having respective heater exchanger and shell cover flanges are secured to one another” (Collins). Thus, the combination of Caparros and Collins does not disclose, teach or suggest all the limitations of amended Claim 1 at least since the proposed combination fails to disclose “a cap having a sealing rib and a connector flange extending from said cap and wherein said connector flange is removably connected to said mounting portion such that said sealing rib engages said groove . . . wherein said cover is positioned in said cap.”

At least because neither Caparros nor Collins, either alone or in combination, teach or suggest all the limitations of Claim 1, Claim 1 is patentable over the cited references. In view thereof, the Examiner is respectfully requested to reconsider and remove the rejection of Claim 1 under 35 U.S.C. §103 over Caparros and Collins.

Claims 2-4 depend directly or indirectly from Claim 1, which Applicant contends is allowable. Therefore Claims 2-4 are also allowable. Applicant therefore respectfully requests the Examiner to withdraw the rejection of Claims 2-4.

Applicant believes that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. An early action to that effect is earnestly solicited.

If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicant believes that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicant's attorneys.

Respectfully submitted,

By /Richard R. Michaud/
Richard R. Michaud
Registration No. 40,088
Attorney for Applicant

Michaud-Duffy Group LLP
CenterPoint
306 Industrial Park Road, Suite 206
Middletown, CT 06457
Tel: (860) 632-7200
Fax: (860) 632-8269